



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/102,207	06/22/1998	DAVE GOH	10971798-1	1530
22879 7590 08/31/2011 HEWLETT-PACKARD COMPANY Intellectual Property Administration 3404 E. Harmony Road Mail Stop 35 FORT COLLINS, CO 80528				
EXAMINER				
DAVIS, DAVID DONALD				
ART UNIT		PAPER NUMBER		
2627				
NOTIFICATION DATE		DELIVERY MODE		
08/31/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM

ipa.mail@hp.com

laura.m.clark@hp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* DAVE GOH, LEENA SANSGUIRI, PAUL CHOU,  
NANDAKUMAR NATARAJAN, JOHN A. DILLEY,  
MARCOS FRID, ROBERT H. HYERLE, ARNE LUHRS,  
and CHANDRASEKAR VENKATRAMAN

---

Appeal 2009-011528  
Application 09/102,207  
Technology Center 2600

---

Before MAHSHID D. SAADAT, ELENi MANTIS MERCADER,  
and BRADLEY W. BAUMEISTER, *Administrative Patent Judges*.

MANTIS MERCADER, *Administrative Patent Judge*.

DECISION ON APPEAL



Claim 1, reproduced below, is representative of the subject matter on appeal:

1. A chip for incorporation within a network device connectable to a computer network, the network device including a host processor, the chip comprising:

a media access controller connectable to the computer network, the media access controller providing the chip with access to the computer network independent of the host processor;

a host interface connectable to the host processor; and

an embedded processor coupled between the host interface and the media access controller;

the embedded processor being programmable to function as a manageability web server, communicate with the host interface and obtain manageability information about the network device;

the embedded processor further being programmable to send the manageability information to the media access controller for transmission over the computer network;

whereby the chip performs network management functions independent of the host processor.

### THE REJECTIONS

The Examiner relies upon the following as evidence of unpatentability:

Han	US 5,903,737	May 11, 1999
Cromer	US 6,532,497 B1	Mar. 11, 2003 (filed Apr. 14, 1998)

The following rejections are before us for review:

1. The Examiner rejected claims 1-3, 5, 6, 8, 12-15, 19, and 20 under 35 U.S.C. § 102(e) as anticipated by Cromer.

2. The Examiner rejected claims 7, 9-11, 18, and 21-30 under 35 U.S.C. § 103(a) as unpatentable over Cromer.

3. The Examiner rejected claims 4, 16, and 17 under 35 U.S.C. § 103(a) as unpatentable over Cromer in view of Han.

## ISSUE

Has the Examiner erred in determining that Cromer teaches an embedded processor which sends manageability information “to the media access controller for transmission over the computer network” as recited in claim 1?

## ANALYSIS

Appellants argue (App. Br. 13), *inter alia*, that Cromer specifically teaches logic 400 which sends data to physical layer 304, not to the media access controller 308 (col. 3, ll. 42-47). Appellants note that the additional arrow shown in Cromer’s Figure 4, as compared with Figure 3, is solely for the purpose of communication between the packet logic 400 and the physical layer 304 (App. Br. 13).

We agree with Appellants’ argument. We do not agree with the Examiner’s assertion (Ans. 10) that Figure 4’s bidirectional arrow indicates bidirectional communication between processor/logic 400 over the network through the media access controller 308 (*see also* Ans. 4). Cromer teaches that “*the physical layer 304 . . . conditions analog signals to go out to the network*” and that the media access controller MAC 308 is involved in energizing the client system 104 through a wake up command (col. 3, ll. 24-36 (emphasis added)). While this is with respect to Cromer’s Figure 3, no additional information is stated with respect to Figure 4’s arrow that connects physical layer 304 and the MAC 308. The only reference in Cromer’s description to Figure 4 is that the processor/logic 400 sends network packets to the network using the physical layer 304 (col. 3, ll. 42-47). Thus, the only logical inference is that the processor/logic 400 uses

physical layer 304 to send packages directly to the network. It would not be logically inferred that processor/logic 400 would send packages to the network through MAC 308, just because there is a bidirectional arrow between physical layer 304 and MAC 308.

Accordingly, we will reverse the Examiner's rejection of claim 1 and for similar reasons the rejections of independent claims 13 and 23, as well as the rejections of dependent claims 2-3, 5-12, 14-15, and 18-22, and 24-30. We will also reverse the Examiner's rejections of dependent claims 4, 16, and 17 as the additional Han reference either alone or in combination, does not cure the above-cited deficiency.

#### CONCLUSION

The Examiner erred in determining that Cromer teaches an embedded processor which sends manageability information "to the media access controller for transmission over the computer network."

#### ORDER

The decision of the Examiner to reject claims 1-30 is reversed.

#### REVERSED

babc